

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SANDRA CUEBAS,

Plaintiff,

-against-

ELYSSA TELLONE; ANTHONY TELLONE,

Defendants.

23-CV-4710 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se*, commenced this action by filing an unsigned and incomplete form application for an Order to Show Cause for Preliminary Injunction and Temporary Restraining Order (“order to show cause”), as well as a signed and completed request for permission to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. Plaintiff did not submit a complaint.

On June 6, 2023,<sup>1</sup> the Court directed Plaintiff to submit a signed complaint within 30 days. *See Fed. R. Civ. P. 3* (provides that a new civil action is only properly commenced with the filing of a complaint). That order specified that failure to comply would result in dismissal of this action. Because Plaintiff has not filed a complaint as directed, this action cannot proceed. Accordingly, the Court dismisses this action without prejudice. All other pending matters in this case are terminated.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

---

<sup>1</sup> The Court notes that the order was incorrectly dated July 6, 2023.

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: July 24, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge